

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

UNITED STATES DISTRICT COURT

for the

Western District of Oklahoma

COUNTY OF ALFALFA, & GRADY COUNTY OKLAHOMA Division

Eric Lee Proctor

CIV-23-602-G

) Case No. CF-94-78 & CIV-23-1416

) (to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

GRADY COUNTY OKLAHOMA, STATE OF
OKLAHOMA, & UNITED STATES OF AMERICA

FILED

JUL 12 2023

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

CARMELITA REEDER SHINN, CLERK
U.S. DIST. COURT. WESTERN DIST. OKLA.
BY KK, DEPUTY

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Eric Lee Proctor		
All other names by which you have been known:			
ID Number	229618		
Current Institution	Helena Oklahoma 73741		
Address	216 N. MURRAY		
	City	Ok	73741
		State	Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name	Grady County Oklahoma Court & State of Oklahoma		
Job or Title (<i>if known</i>)			
Shield Number			
Employer			
Address	326 W Choctaw Ave		
	City	OK	73018
		State	Zip Code
<input type="checkbox"/> Individual capacity <input checked="" type="checkbox"/> Official capacity			

Defendant No. 2

Name			
Job or Title (<i>if known</i>)			
Shield Number			
Employer			
Address			
	City	State	Zip Code
<input type="checkbox"/> Individual capacity <input checked="" type="checkbox"/> Official capacity			

Defendant No. 3

Name _____

Job or Title (*if known*) _____

Shield Number _____

Employer _____

Address _____

City _____

State _____

Zip Code _____

 Individual capacity Official capacity

Defendant No. 4

Name _____

Job or Title (*if known*) _____

Shield Number _____

Employer _____

Address _____

City _____

State _____

Zip Code _____

 Individual capacity Official capacity**II. Basis for Jurisdiction**

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (*check all that apply*): Federal officials (a *Bivens* claim) State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

4th, 5th, 6th, 8th, & 14th Amendments of the Constitution of The United States of America.

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

4th, 5th, 6th, 8th, & 14th Amendments of the Constitution of The United States of America.

- D. Section 1983 allows defendants to be found liable only when they have acted “under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia.” 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

4th, 5th, 6th, 8th, & 14th Amendments of the Constitution of The United States of America.
Please see the attached filing.

1. The Court Violated the Legal and Constitutional Rights of the Plaintiff and did not proceed with the Plaintiff's case Under Juvenile laws.
2. The Court Committed Judicial Misconduct and Failed to give Access to an attorney.

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (*check all that apply*):

- Pretrial detainee
- Civilly committed detainee
- Immigration detainee
- Convicted and sentenced state prisoner
- Convicted and sentenced federal prisoner
- Other (explain) _____

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.
N/A
- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.
Yes. In Grady County Oklahoma Court.

C. What date and approximate time did the events giving rise to your claim(s) occur?

Eric Lee Proctor, born on June 11, 1977, has been wrongly sentenced to 330 years in prison on November 3, 1994.

D. What are the facts underlying your claim(s)? (For example: *What happened to you? Who did what? Was anyone else involved? Who else saw what happened?*)

Eric Lee Proctor, born on June 11, 1977, has been wrongly sentenced to 330 years in prison on November 3, 1994, for charges including forcible sodomy, assault and battery with a deadly weapon, and rape first degree. At the time of his sentencing, Mr. Proctor was just a 16-year-old juvenile. It is crucial to highlight that the court disregarded key legal and constitutional rights, including Juvenile Laws, Evidence Laws, Due Process Rights, Right of Counsel, and other fundamental rights that should have been afforded to Mr. Proctor.

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

Everything imagined from being convicted as a juvenile for a crime you did not commit for over 29 years and counting.

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

This case encompasses both civil and criminal aspects and has been filed in both the Grady County Court and the Federal Court. Attached herewith are the court filings, including the Notice of Complaint for Violation of Civil Rights and the Universal Affidavit of Truth, which provide detailed evidence and supporting documentation for the claims made herein.

Given the State of Oklahoma's failure to respond, further reinforcing the legitimacy of our cause, I implore you to thoroughly investigate this matter, considering both the civil and criminal dimensions of the case. I urge you to address the violation of Eric Lee Proctor's civil rights and take appropriate actions to correct the unjust sentencing and secure his release.

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act (“PLRA”), 42 U.S.C. § 1997e(a), requires that “[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted.”

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes

No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Helena, Oklahoma Prison.

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

Yes

No

Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

Yes

No

Do not know

If yes, which claim(s)?

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- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

Yes

No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes

No

- E. If you did file a grievance:

1. Where did you file the grievance?

1996 Direct Appeal OCCA Grady County, 1999 Sentence Modification Grady County, 2017 Post Conviction filing Grady County & OCCA. 2018 Habeas Corpus State of Oklahoma, 2019 Commutation State of Oklahoma, Notice of Complaint For Violation OF CIVIL RIGHTS & UNIVERSAL AFFIDAVIT OF TRUTH 2023 "GRADY COUNTY & WESTERN DISTRICT COUNTY OF ALFALFA.

2. What did you claim in your grievance?

4th, 5th, 6th, 8th, & 14th Amendments of the Constitution of The United States of America.
Please see attached filing.

3. What was the result, if any?

Denied.

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (*Describe all efforts to appeal to the highest level of the grievance process.*)
Did everything within my power & understanding and still was denied.
-

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F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:
N/A
-

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

N/A

- G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

ANYONE WHO HAS LEGAL EXPERTISE OR COMMON SENSE CAN SEE THE CLEAR MISCARAGE OF JUSTICE, LAW & RULINGS MADE WITHOUT REGARD OF BASIC HUMAN RIGHTS.

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The “three strikes rule” bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has “on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this “three strikes rule”?

Yes

No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes

No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (*If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.*)

1. Parties to the previous lawsuit

Plaintiff(s) ERIC LEE PROCTOR

Defendant(s) GRADY COUNTY, OCCA, STATE OF OKLAHOMA

2. Court (*if federal court, name the district; if state court, name the county and State*)

WESTERN DISTRICT, COUNTY OF ALFALFA, & GRADY COUNTY OKLAHOMA

3. Docket or index number

CF-94-78 GRADY COUNTY & CIV-23-1416 FEDERAL COURT

4. Name of Judge assigned to your case

SENTENCING JUDGE: JAMES WINCHESTER 1994 GRADY COUNTY OKLAHOMA MAGISTRATE JUDGE GARY M PURCI

5. Approximate date of filing lawsuit

1996, 1999, 2017, 2018 & 2023

6. Is the case still pending?

Yes

No

If no, give the approximate date of disposition.

7. What was the result of the case? (*For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?*)

PREVIOUS CASES WERE DENIED

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

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Yes

No

- D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. (*If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.*)

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court (*if federal court, name the district; if state court, name the county and State*)

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

Yes

No

If no, give the approximate date of disposition

7. What was the result of the case? (*For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?*)

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 7/10/23

Signature of Plaintiff	<u><i>Eric Lee Proctor</i></u>		
Printed Name of Plaintiff	<u>Eric Lee Proctor</u>		
Prison Identification #	<u>229618</u>		
Prison Address	<u>216 N. MURRAY</u>		
	<u>Helena</u>	<u>Ok</u>	<u>73741</u>
	<i>City</i>	<i>State</i>	<i>Zip Code</i>

B. For Attorneys

Date of signing: _____

Signature of Attorney			
Printed Name of Attorney			
Bar Number			
Name of Law Firm			
Address			
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
Telephone Number			
E-mail Address			